

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 3:09-CV-620 (REP)</b>
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF ePLUS, INC.’S MOTION TO STRIKE THE EXPERT REPORT OF  
PHILIP GREEN IN LIGHT OF THE COURT’S RULINGS ON  
PLAINTIFF’S MOTION IN LIMINE NO. 7  
AND DEFENDANT’S MOTION IN LIMINE NO. 3**

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*Attorneys for Plaintiff, ePlus, Inc.*

Pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharms.*, 509 U.S. 579 (1993), Plaintiff ePlus, Inc. (“ePlus”) respectfully moves the Court to strike the expert report of Philip R. Green, Defendant Lawson Software, Inc.’s (“Defendant’s”) expert witness on the issue of damages, and to preclude Mr. Green from testifying at trial. The Court’s recent rulings on the parties’ respective *in limine* motions concerning the parties’ expert opinions with respect to damages issues have eviscerated Mr. Green’s opinions such that his proposed testimony lacks foundation and is not reliable or helpful to the trier of fact under Rule 702. Accordingly, ePlus respectfully requests that the Court strike Mr. Green’s expert report.

Respectfully submitted,

August 18, 2010

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of August, 2010, I will electronically file the foregoing

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with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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